

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. § 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 20. DEPARTMENT OF HEALTH SERVICES BEHAVIORAL HEALTH SERVICE AGENCIES: LICENSURE

PREAMBLE

1. **Sections Affected**

Article 19	<u>Rulemaking Action</u>
Part A	New Article
R9-20-A1901	New Part
R9-20-A1902	New Section
Part B	New Section
R9-20-B1901	New Part
R9-20-B1902	New Section
R9-20-B1903	New Section
R9-20-B1904	New Section
R9-20-B1905	New Section
R9-20-B1906	New Section
R9-20-B1907	New Section
R9-20-B1908	New Section
R9-20-B1909	New Section
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. §§ 36-104(3) and 36-136(F)

Implementing statute: Laws 1995, Ch. 275, § 10
3. **The effective date of the exempt rules:**

March 13, 1996
4. **A list of all previous notices appearing in the Register addressing the exempt rule:**

Not applicable.
5. **The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Terri Goens, Manager

Address: Office of Substance Abuse
2122 East Highland
Phoenix, Arizona 85016

Telephone: (602) 381-8999

Fax: (602) 553-9140
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**

In 1995, the Arizona Legislature enacted House Bill 2275, the "Tobacco Tax Bill", which amended several Chapters in Title 36 as well as other Titles. More specifically, at Laws 1995, Ch. 275, § 10, entitled "Detoxification services; pilot program", specifically mandates that the Department of Health Services "shall adopt standards and guidelines for the establishment of pilot programs designed to determine the appropriateness and effectiveness of having level II behavioral health facilities deliver detoxification treatment and services to indigent or uninsured people who do not require the services of a hospital or a level I behavioral health facility and who do not require the use of restrictive behavior management practices." This Section goes on to authorize pilot programs only to the extent that funding is made available, the programs are only in counties with populations less than 500,000, and the programs are in no more than 3 counties. These rules establish the minimum standards with which a facility must comply in order to be approved to participate as a pilot program and receive funding.

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7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:
Not applicable.
8. The summary of the economic, small business, and consumer impact:
Not applicable.
9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):
Not applicable.
10. A summary of the principal comments and the agency response to them:
Not applicable.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:
Not applicable.
12. Incorporations by reference and their location in the rules:
Not applicable.
13. Was this rule previously adopted as an emergency rule? If so, please indicate the Register citation:
No.
14. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 20. DEPARTMENT OF HEALTH SERVICES

BEHAVIORAL HEALTH SERVICE AGENCIES: LICENSURE

ARTICLE 19. LEVEL II RURAL COUNTY DETOXIFICATION SERVICES PILOT PROGRAM

Part A. Pilot Program Requirements

Section

- R9-20-A1901. Definitions
R9-20-A1902. Level II Rural County Detoxification Services Pilot Program

Part B. Rural County Program Approval

Section

- R9-20-B1901. Approval Requirements
R9-20-B1902. Management
R9-20-B1903. Detoxification Services
R9-20-B1904. Staffing Requirements
R9-20-B1905. Program Description
R9-20-B1906. Facility Physical Plant Standards
R9-20-B1907. Recordkeeping
R9-20-B1908. Fire and Safety
R9-20-B1909. Transfer to Another Classification

ARTICLE 19. LEVEL II RURAL COUNTY DETOXIFICATION SERVICES PILOT PROGRAM

Part A. Pilot Program Requirements

R9-20-A1901. Definitions

In this Article, unless the context otherwise requires:

1. "Behavioral health professional" means the same as defined in R9-20-101(10).
2. "Behavioral health services" means the same as defined in R9-20-101(12).
3. "Client" means an individual who is admitted into an agency participating in the level II rural county detoxification services pilot program.
4. "Governing authority" means the same as defined in A.R.S. § 36-401(A)(16).
5. "Level II behavioral health facility" or "agency" means, for purposes of Laws 1995, Ch. 275, § 10, a facility licensed pursuant to Article 7 of this Chapter or an unlicensed facility approved pursuant to this article to provide pilot program detoxification services.

6. "Level II rural county detoxification services pilot program" means those agencies which are participating to provide detoxification services, either directly or by contract, to individuals in accordance with Laws 1995, Ch. 275, § 10.
7. "Manager" means the individual designated by the governing authority to act in its behalf in the overall on-site management of the agency.
8. "Paraprofessional counseling" means treatment activities provided by individuals who are not licensed behavioral health professionals.
9. "Supervision" means that a program's staff is available on a 24 hour per day basis to provide detoxification services and to monitor the health and safety of the program's clients.
10. "Treatment plan" means the written statement of methodologies of care and provision of behavioral health services prepared by agency staff to meet the client's needs as identified in the assessment, evaluation, and diagnosis processes.

R9-20-A1902. Level II Rural County Detoxification Services Pilot Program

- A. A level II behavioral health facility or unlicensed facility which proposes to provide detoxification services in accordance with Laws 1995, Ch. 275, § 10 shall be located only in counties having a population of 500,000 persons or less according to the most recent United States decennial census.
- B. An unlicensed facility which desires to participate in the level II rural county detoxification services pilot program shall be approved in accordance with Part B of this Article.
- C. All level II rural county detoxification services pilot program participating agencies shall comply, at a minimum, with the program requirements set forth in R9-20-B1902 through R9-20-B1908.

Part B. Rural County Program Approval

R9-20-B1901. Approval Requirements

- A. An unlicensed program seeking to participate in the level II rural county detoxification services pilot program as provided

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by Laws 1995, Ch. 275, § 10 shall comply with the requirements of R9-20-107 through R9-20-201, R9-20-308, R9-20-309 (excluding subsections (A)(7)), R9-20-405(A), and R9-20-505(F).

B. An unlicensed program applying for initial approval or reapproval for participation in the level II rural county detoxification services pilot program shall submit to the Director evidence of compliance with these rules and the following additional information:

1. Complete information regarding ownership, physical plant, staff, records, and services;
2. Annual sanitation inspection report; and
3. Annual fire inspection from the fire authority having jurisdiction.

C. An applicant for initial approval, construction of a new facility, or alteration of an existing facility shall also submit the following documents:

1. Site plan of the facility drawn to scale and dimension showing property lines, buildings, roads, drives, parking, walkways, building entrances, and exits;
2. Floor plan of the facility drawn to scale and dimension showing entire floor plan, rooms, service and program areas, corridors, stairs, entry, exits, fire protection design, and systems;
3. Code information including statement and calculations indicating construction type, occupancy type, occupant load, fire sprinkler, fire alarm, and fire detection requirements; and
4. Certificate of occupancy, fire inspection, and approval report and clearance from the local authority having jurisdiction if an existing building is utilized as an agency, or a copy of the building permit and zoning clearance from the local authority having jurisdiction if a center is newly constructed or an alteration is made to an existing center.

D. An approval shall be valid for a period of 1 year from the date of issuance for the owner, name, location, and number of beds specified on the application.

E. An applicant shall file a request for approval or reapproval within 60 to 120 days before anticipated operation or the expiration date of the current approval.

F. The Director may issue or renew an approval, if an applicant meets all of the following requirements:

1. Is in substantial compliance with these rules,
2. Carries out a plan acceptable to the Director to eliminate any noncompliance with the standards for approval set forth in these rules, and
3. Has a letter of agreement or contract with a regional behavioral health authority to participate in a level II rural county detoxification services pilot program in accordance with this article and Laws 1995, Ch. 275, § 10.

R9-20-B1902. Management

A. An agency shall have a governing authority which shall consist of 1 or more persons responsible for organizing and managing the agency and adopting policies and procedures that govern the provision of detoxification services to clients.

B. The governing authority of the agency shall designate a manager who shall have, at a minimum, 1 of the following:

1. Bachelor's degree in a behavioral health or health related field;
2. Bachelor's degree in any field, plus 1 year of work experience in behavioral health services delivery; or
3. High school diploma or general education diploma (GED) and a minimum of 4 years of behavioral health education or work experience involving detoxification, or a combination of the 2.

C. The manager of an agency shall be responsible for establishing, implementing, and maintaining policies and procedures governing:

1. Client rights and responsibilities;
2. A fire and safety plan;
3. Residency arrangements for clients, including admission and discharge;
4. Client services, treatment or care;
5. Client confidentiality;
6. Unauthorized entry to or exit from the program by clients, staff or other individuals;
7. Medications administration;
8. Client nutrition;
9. Client record confidentiality, storage, transportation, and dissemination of identifying information;
10. Emergency treatment procedures; and
11. Annual review of the agency policies and procedures which shall be documented in writing and available to the Department for review.

D. The manager of an agency shall ensure that it operates on a 24-hour basis, including intake and placement. If a vacancy does not exist in the agency, the manager shall ensure that assistance and referral services are provided to individuals seeking care.

R9-20-B1903. Detoxification Services

A. The manager of an agency shall ensure the provision of the following detoxification services to each client:

1. A medical assessment performed by a physician licensed pursuant to A.R.S. Title 32, Chapters 13 and 17; a professional nurse licensed in accordance with A.R.S. Title 32, Chapter 15; or an emergency medical technician certified pursuant to A.R.S. Title 36, Chapter 21.1, within 72 hours of admission;
2. An assessment and development of a treatment plan within 24 hours of admission, including a determination of the need for medical care and transport to a hospital;
3. Chemical dependency assessment within 24 hours of admission;
4. Close observational assessment and regular monitoring of vital signs;
5. Twenty-four hour supervision and the ability to manage, either directly or by referral, a client's physiological manifestations and distress exhibited in the course of withdrawal from chemical dependency;
6. Supervised paraprofessional counseling or behavioral health professional counseling which may include individual, group and family counseling and participation in motivational programs as indicated in the client's treatment plan, but which does not include peer and self-help groups;
7. Recreational, rehabilitation, or habilitation activities to involve the client in interpersonal interactions;
8. Referral to other social services or treatment agencies; and
9. Transportation for emergencies. Telephone numbers of ambulance services shall be available to all staff members on duty.

B. An agency shall transfer a client who requires treatment beyond the scope of the agency to another behavioral health facility or a medical facility. The agency shall assist the client in securing necessary transportation.

C. The manager shall ensure that a treatment plan and necessary updates are prepared by agency staff for each client. The manager shall ensure that the treatment plan is followed by the agency while the client is in treatment.

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R9-20-B1904. Staffing Requirements

The manager of an agency shall ensure that:

1. Staff is available to provide detoxification services and monitor the health and safety of each client at all times, and
2. At least 1 staff member who is certified in first aid and cardiopulmonary resuscitation, and who has the education to counsel clients who are experiencing acute distress due to behavioral health issues shall be available at all times.

R9-20-B1905. Program Description

An agency shall provide a program description to each client upon admission. The program description shall describe the program's residence rules and services.

R9-20-B1906. Facility Physical Plant Standards

- A. An agency shall provide 40 square feet per approved bed in the sleeping area of the facility for each client.
- B. If a bunk bed is used for a client in the detoxification unit, an agency shall place a client in the lower bed of the bunk bed only for the first 48 hours after admission. An agency shall not place a client in the upper bed of a bunk bed until 48 hours after admission.
- C. There shall be a separate dining area. The agency shall not use the dining area as a sleeping area.
- D. An agency shall not exceed the number of beds for which the agency is approved to provide detoxification services.

R9-20-B1907. Recordkeeping

The manager of an agency shall ensure that the following records are maintained:

1. All required operating licenses, permits, and certificates;
2. Client file documentation which shall contain:

- a. Client identifying information,
 - b. Name of an emergency contact,
 - c. A list of the client's medication, if applicable,
 - d. The client's initial assessment and evaluation,
 - e. The client treatment plan and updates,
 - f. Treatment or staffing summaries,
 - g. Notation of contacts or referrals,
 - h. Discharge summaries from the provider agency, and
 - i. A forwarding address for the client, if available.
3. Reports of all inspections and reviews, including fire and sanitation reports, with documentation of all corrective actions taken.
 4. Reports of quarterly fire drills.

R9-20-B1908. Fire and Safety

- A. An agency shall maintain smoke detectors in working order near every sleeping and cooking area. Battery-powered smoke detectors may be utilized.
- B. Fire drills shall be conducted on a quarterly basis. All clients and staff shall participate in fire drills.
- C. The agency shall maintain a first aid kit in the facility which is accessible to all staff.
- D. A list of emergency numbers and poison centers' numbers shall be maintained near a telephone for easy access by staff and clients.

R9-20-B1909. Transfer to Another Classification

An unlicensed agency which is approved for purposes of participating in the level II rural county detoxification services pilot program and which seeks to provide treatment services as a Level II behavioral health facility shall comply with the licensure requirements in Article 7 of this Chapter.